

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:07-CR-00076-1-BR

GREGORY L. WALKER

v.

UNITED STATES OF AMERICA

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ORDER

This matter is before the court on petitioner's 28 U.S.C. § 2241 motion. (DE # 173.) Once again petitioner challenges his sentence pursuant to United States v. Simmons, 649 F.3d 237 (4th Cir. 2011) (en banc) (and more recent case law). And, once again, the court treats the motion as one under 28 U.S.C. § 2255. (See Order, DE # 169, at 2 (treating petitioner's Rule 60(b) or alternative § 2241 motion as one pursuant to § 2255).) Because petitioner has previously filed a § 2255 motion, he "must seek authorization from the Court of Appeals to file a second or successive § 2255 motion." (Id. at 2-3 (citing 28 U.S.C. §§ 2244(b), 2255(h).)) Petitioner's motion is DISMISSED WITHOUT PREJUDICE. The court finds that petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Pursuant to Rule 11(a) of the Rules Governing Section 2255 Proceedings, a certificate of appealability is DENIED.

This 13 January 2015.



W. Earl Britt
Senior U.S. District Judge